IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 260 OF 2005

IN

STAMP NUMBER MAIN NO. 704 OF 2005

COMMUNIDADE OF QUITOL ....Applicant

Versus

VINODKUMAR S.GONSALIA ....Respondent

Mr. S. S. Kantak, Advocate for the applicants.

Mr. Arun Bras de Sa, Advocate for the respondent.

Coram:- R.M.S. KHANDEPARKAR, J.

Date:- 10th January, 2006

P.C.

Heard Advocates for the parties. This is an application for condonation of delay of 482 days in filing the appeal. The ground for delay is that the present Managing Committee of the Appellant-Communidade was not aware of the impugned Judgment till it was brought to their notice in another proceedings arising out of Land Acquisition Case No. 75/1993 which was disposed of on 1.12.2004.

The application for condonation of delay is objected to on the ground that the facts alleged do not disclose sufficient cause for condonation of delay. It is not in dispute that the affairs of the Communidade are managed by an elected Managing Committee. It is also not in dispute that when the impugned Judgment was passed, different Managing Committee was incharge of the affairs of the Communidade. There is nothing on record to disclose that the earlier

Committee-in-charge, at the relevant time, had taken any steps to convey either its reluctance or justification for not filing the appeal against the impugned Judgment while handing over charge to the present Committee.

There is nothing on record disclosing that the present Committee had any opportunity to know about the impugned Judgment dated 18.8.2003 prior to the date on which the present Committee claims to have acquired knowledge about the said Judgment. In the circumstances, the contention about failure on the part of the appellants to disclose sudfficient cause cannot be accpted. Considering the nature of the management of the Communindade and in the facts and circumstances of the case, I am satisfied that there is sufficient cause shown for condonation of delay of 482 days in filing the appeal. The application is, allowed. The delay in filing the appeal is condoned. The application is, accordingly, disposed of.

R.M.S. KHANDEPARKAR, J.

ssm.